



# New Mexico Statewide Water Quality Management Plan

Briefing for the New Mexico Water  
Quality Control Commission

April 9, 2002

New Mexico Environment Department  
Surface Water Quality Bureau

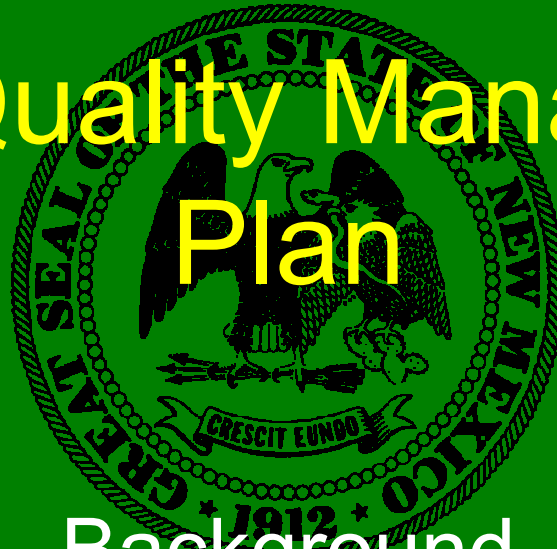


# Topics

- Background
- Brief Review of “Current” Water Quality Management Plan (WQMP)
- WQMP Requirements
- Update Strategy
- Update Contents
- Process for Updating the WQMP



# Water Quality Management Plan



Background



# Purpose

- “The central purpose of this program is the development and implementation of State Water Quality Management Plans so the longer range goals of the Federal Water Pollution Control Act (aka the Clean Water Act (CWA)) can be met. To achieve these goals, it will be necessary to develop a ... process at the State and local level that assures continuous planning for and implementation of pollution control measures.”

Guidelines for State and Areawide Water Quality Management Program Development



# Purpose cont'd

- Management plans should meet two principal mandates of the Act
  - the determination of effluent limitations needed to meet applicable water quality standards including the requirement to at least maintain existing water quality (CWA §303)
  - development of State and areawide management programs to implement abatement measures for all pollutant sources (CWA §208)



# Objectives

- Principal objective of the CWA (§101)
  - “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters”
- To achieve the objective (CWA §101)
  - “it is the national goal that wherever attainable, ... water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water...(shall) be achieved”



# Objectives cont'd

- To meet the objective
  - “it is the national policy that areawide waste treatment management planning processes be developed and implemented to assure adequate control of sources of pollutants in each state.”
- A state WQMP is or may be used to:
  - define water quality standards to implement goals of the Act, determine allowable standards pursuant to §303, to develop plans for pollution abatement (§208(b)) and select management agencies to implement the plan (§208 (c)).



# State Authorities

- The New Mexico Water Quality Act

- §74-6-3

- WQCC Created

- E. The Commission is the state water pollution control agency for this state for all purposes of the federal Act ....

- The New Mexico Water Quality Act

- §74-6-4

- Duties and Powers of the Commission – The Commission ...

- B. shall adopt a comprehensive water quality management program and develop a continuing planning process





# Federal Authorities

- CWA § 303(e)
  - The Continuing Planning Process
    - last updated by the WQCC in July of 1998
    - sets forth the Process for Updating and Maintaining the Statewide Water Quality Management Plan
- CWA § 208
  - The Statewide Water Quality Management Plan
    - addresses
      - regional wastewater management
      - nonpoint sources of water pollution



# Water Quality Management Plan

Brief Review of “Current” WQMP





# Purpose of Update

- The WQMP has many elements that:
  - are very outdated (some >20 years old)
  - are “inactive” or no longer applicable
  - have been replaced or addressed by other programs
  - have been updated but not formally incorporated into the comprehensive document



# Scope of current WQMP

- 13 Work Elements (W.E.s)

- W.E.s\* discuss:
  - 47 agencies or committees (State, Federal, Local)
  - 70 identified strategies

\* Elements are numbered 1-14 but there is no Work Element 12

- W.E. 13

- Designated Management Agencies
  - 87 municipalities
  - 4 state agencies
  - 11 water & sanitation districts
  - 2 counties
  - 2 tribes
  - numerous strategies



# Water Quality Management Plan

Requirements





# WQMPs

- 40 CFR 130.6(a)
  - WQMPs consist of initial plans produced in accordance with CWA §§ 208 and 303(e)
  - planning shall be based upon WQMPs and water quality problems identified in the latest §305(b) reports
  - should focus annually on priority issues and geographic areas ... etc.



# Plan Use

- 40 CFR 130.6(b) -- plans:
  - direct implementation
  - draw on assessments to identify priority point and nonpoint water quality problems
    - consider alternative solutions
    - recommend control measures
      - including financial and institutional



# Required Elements

9 Elements are required pursuant to 40 CFR 130.6(c)

- |   |                            |
|---|----------------------------|
| 1) Total Maximum Daily Loads              | 5) Management Agencies     |
| 2) Effluent Limitations                   | 6) Implementation Measures |
| 3) Municipal & Industrial Waste Treatment | 7) Dredge or Fill Program  |
| 4) Nonpoint Source Management             | 8) Basin Plans             |
|   | 9) Ground Water            |





# Updating

- 40 CFR 130.6(e)
  - ... plans shall be updated as needed to reflect changing water quality conditions, results of implementation actions, new requirements or to remove conditions ...
  - [EPA] Regional Administrators may require that State WQM plans be updated as needed



# Water Quality Management Plan

Update Strategy





# Update Strategy

- Step 1
  - Request WQCC formally retire Work Elements already identified in the CPP as inactive
- Step 2
  - Request WQCC formally remove other inactive and/or non-required Work Elements



# Update Strategy

- Step 3
  - Renumber Required Elements to Correspond to 40 CFR 130.6(c)(1) – (c)(9)
- Step 4
  - WQCC Review & Approval on updates to required Elements
- Step 5
  - Submit to EPA for Approval



# Step 1 – Retire Work Elements Already Identified as Inactive by the WQCC in the CPP

- 1998 CPP Lists Inactive Work Elements Now Covered by Other Programs
  - W.E. 4 Nonpoint Sources
  - W.E. 7 Municipal Waste Treatment Systems Needs
  - W.E. 8 Industrial Waste Treatment System Needs
  - W.E. 9 Ground Water Control Needs
  - W.E. 10 Urban Storm Water Runoff



## Step 1 (cont'd)

- CPP states:
  - some of these (inactive) elements are being actively pursued under the NM Nonpoint Source Management Program or under other programs, and on some no future work is anticipated ... all work elements ... remain part of the Statewide Water Quality Management Plan until formally removed by an update.



## Step 2 – Review & Retire Remaining Outdated / Inactive Work Elements

- The NMED SWQB recommends retiring the following W.E.s in addition to those Identified by the WQCC in the CPP
  - W.E. 1 Planning Area Boundaries
  - W.E. 2 Asses. of Stream Seg. Classification
  - W.E. 2.5 Trout Hatcheries
  - W.E. 3 Population Projections
  - W.E. 5.2 Computer Model of N & P Transport in Middle Rio Grande

# Step 2 – Review & Retire Remaining Outdated / Inactive Work Elements (cont'd)



- W.E. 5.3 Study of Bio. Availability of N & P (Cochiti to E. Butte)
- W.E. 7.2 Albuq. Metro Area Wastewater Mngmt.
- W.E. 7.3 Rural Sewage
- W.E. 8 Industrial Waste Treatment Study
- W.E. 9.1 Evaluation of Relationship between Solid Waste and Ground Water Regulations
- W.E. 9.2 Grants Mineral Belt Monitoring Program



# Step 2 – Review & Retire Remaining Outdated / Inactive Work Elements (cont'd)



- W.E. 9.3 Uranium Industry Activities
- W.E. 9.4 Development of Ground Water Quality Database
- W.E. 10 Urban Stormwater Runoff
- W.E. 11 Public Participation Program
- W.E. 14 Implementation Schedules

## Step 2 – Review & Retire Remaining Outdated / Inactive Work Elements (cont'd)



- Examples of Reasons to Retire these Work Elements:
  - some are simply outdated
  - some were completed but never “taken off the books”
  - none are required by federal regulation

# Step 2 – Review & Retire Remaining Outdated / Inactive Work Elements (cont'd)



- Examples of Reasons to Retire:
  - some aspects have been taken over by other planning activities (e.g., CPP or Nonpoint Source Management Program)
  - retirement is not the death knell for worthy ideas, (e.g. public participation). At a later date current realistic work elements may be incorporated as appropriate.



## Step 3 – Rename / Reorder Required Work Elements

- New Work Element Titles:
  - (correspond to 40 CFR 130.6(c))
  - W.E. 1 Total Maximum Daily Loads
    - 40 CFR 130.6(c)(1)
  - W.E. 2 Effluent Limitations
    - 40 CFR 130.6(c)(2)
  - W.E. 3 Municipal and Industrial Waste
    - 40 CFR 130.6(c)(3)



## Step 3 – Rename / Reorder Required Work Elements (cont'd)

- W.E. 4 Nonpoint Sources
  - 40 CFR 130.6(c)(4)
- W.E. 5 Management Agencies
  - 40 CFR 130.6(c)(5)
- W.E. 6 Implementation Measures
  - 40 CFR 130.6(c)(6)



## Step 3 – Rename / Reorder Required Work Elements (cont'd)

- W.E. 7 Dredge or Fill Program
  - 40 CFR 130.6(c)(7)
- W.E. 8 Basin Plans
  - 40 CFR 130.6(c)(8)
- W.E. 9 Ground Water
  - 40 CFR 130.6(c)(9)

# Step 4 - WQCC Review & Approval on updates to required Elements



- January 18 submittal included complete updated draft WQMP
- WQCC review and public participation started January 18
- Update of public participation process provided at April WQCC meeting
- Public comment period closed March 19
- May WQCC meeting for approval (tentative)



## Step 5 - Submit to EPA for Approval

- Following WQCC approval final document submitted to EPA for approval





# Water Quality Management Plan

Activities for Updating and  
Maintaining the Statewide Water  
Quality Management Plan



# Update Process

## - Summary -

- The WQCC's *1998 Continuing Planning Process* Document Outlines the WQCC's Process for Updating the WQMP
  - Preliminary EPA Review
  - Public Participation
    - Administrative Updates
    - Formal Updates
  - Adoption & Approval



# Update Process

## -Preliminary EPA Review-

- Correspondence with EPA
  - April 9, 2001 Letter to EPA Outlines SWQB's Comprehensive Approach
  - September 28, 2001 electronic transmittal to EPA of preliminary draft – requesting comment
  - October 29, 2001 EPA letter to SWQB – provides comments
  - December 5, 2001 SWQB letter to EPA – response to comments w/ revised preliminary draft
  - December 21, 2001 – EPA Technical Acceptance Letter



# Update Process

## -Public Participation & Review-

- Start of public comment period with January 18 transmittal
- Public comment period (60 day) began January 18
- Proposed changes posted on NMED Website
- Public Notices mailed to: WQCC, TMDL Development, Nonpoint Source Task Force, and Acequia Association mail lists
- Oral presentation at regular WQCC April 9 open meeting



# Update Process

## -Public Participation & Review-

- Newspaper Notice publications
  - *Albuquerque Journal*
    - Jan. 18, 2002
  - *Santa Fe New Mexican*
    - Jan. 21, 2002
  - *Farmington Daily Times*
    - Jan. 18, 2002
  - *Las Cruces Sun News*
    - Jan. 18, 2002
  - *Roswell Daily Record*
    - Jan. 18, 2002
- 4 public meetings held
  - Las Cruces (February 4, 2002) – 7 attendees
  - Roswell (February 5, 2002) – 3 attendees
  - Santa Fe (February 6, 2002) – 13 attendees
  - Farmington (February 7, 2002) – 16 attendees



# Public Meeting Attendees

39 individuals

- **Municipalities**
  - Albuquerque (1)
  - Bloomfield (1)
  - Farmington (3)
  - Las Cruces (1)
  - Roswell (2)
- **Industry**
  - OMI, Inc. (1)
  - PNM (1)
  - San Juan Coal (2)
- **Private Citizens** (5)
- **LANL / DOE** (3)
- **Tribal**
  - Sandia Pueblo (1)
- **Agencies**
  - EBID (1)
  - Lee, Hammond & W. Hammond Domestic Water (1)
  - NMDA (2)
  - NMED (2)
  - NMSU-CES (3)
  - SJS&WCD (1)
  - SJWC (1)
  - WERC (1)
- **Enviro. Orgs.**
  - Amigos Bravos (1)
  - CCNS (1)
  - Forest Guardians (1)
- **Consult. / Attorneys** (3)



# WESTCAS

- **Western Coalition of Arid States - Winter Legislative Forum - Feb. 21 – Albuquerque, NM**
- SWQB upon request, presented the draft WQMP initiative
- response from EPA headquarters representative and other western state members indicates NM's approach (i.e., as a referenced electronic document) may become a model



# Public Comments

- SWQB summary & response to:
  - oral comments offered in meeting
    - meeting notes mailed April 8 to participants
  - written comments received
- All comments will be appended to final document





# Public Comments Received from:

- Citizen of Farmington
- Citizen of Santa Fe
- Concerned Citizens for Nuclear Safety
- Dairy Producers of New Mexico
- Forest Guardians
- Los Alamos National Lab
- San Juan Coal Company
- San Juan Water Commission



# Summary of Public Comments

- Objection to disconnect between water quantity and water quality
- TMDL documents should be included by reference to TMDL program, not individually included (WE 1)
- Many would like to see water quality managed on a watershed basis rather than on a state-wide basis (WE 8)



# Comments Received (cont'd)

- Expand background sections
- Reduce background sections
- Make language easier for public to understand
- NM's WQMP efforts rate low compared to other states
- WQMP focuses on "rote compliance"
- Objection to deleting Public Participation (WE 11)



# Comments Received (cont'd)

- WQMP defers implementation & authority to other documents & programs and fails to provide a plan of action
- Don't support voluntary implementation of nonpoint source pollution control
- Should include implementation procedures for compliance with Endangered Species Act (ESA)
- WQMP should include list of NPDES permits
- Need to clarify role of CPP vs. WQMP



# Comments Received (cont'd)

- Identify plans for future expansion of additional work elements
- Strong support for outreach efforts and electronic format



# Update Process

## -Public Participation & Review-

- During public comment period, public had opportunity to request formal public hearing
  - No request received during comment period
- Adoption & Approval
  - WQCC adoption
  - Submittal to EPA by Governor or designee
  - EPA review & approval